

Remarks

Claims 1-21 are pending in the current application. Claims 1, 11 and 18 have been amended.

35 U.S.C. 102 Rejections

Claims 1-3, 6-12 and 14-21 have been rejected under 35 U.S.C. 102(b) as being anticipated by Isikoff, U.S. Pat. No. 5,748,084.

The Office Action fails to present a prima facie case of anticipation for Applicants' claims. "[F]or anticipation under 35 U.S.C. 102, the reference must teach *every aspect* of the claimed invention ..." MPEP 706.02 (emphasis added). "The identical invention must be shown in as complete detail as contained in the ... claim." *Richardson v., Suzuki Motor Co.*, 868 F. 2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). Isikoff simply fails to disclose every aspect of the claimed invention.

Applicant respectfully traverses these rejections because the cited references do not disclose or suggest every element of any claim, as the following analysis shows.

CLAIM 1

Regarding amended Claim 1, Isokoff at least fails to teach "wherein the second processor is capable of initiating the wireless communication independently of the first processor...wherein the input port to supply data to the second processor for the wireless communication" as recited in Claim 1.

The Office Action dated 11/16/04 asserts that “wherein the second processor is capable of initiating the wireless communication independently of the first processor” is taught in column 5, lines 21-34, 45-49 and column 9, lines 15-27 of Isokoff. Applicant respectfully points out that the cited communications in Isokoff only refer to incoming communications. For example, column 5, lines 21-34 refers to wireless modes of operation including an incoming voice telephone call, an incoming fax, an incoming data modem call or an incoming CDPD packet. Column 5 lines 21-34 refer to an incoming data or fax call. Column 9 lines 15-27 refer to the handling and prioritization of incoming calls when power to the host computer is removed or run down. An incoming wireless communication is not a wireless communication initiated by the second processor.

Isokoff discloses outgoing calls: “Outgoing calls from the beacon may be initiated by the user in a conventional manner through the user interface software, for example by entering an e-mail and clicking “SEND”, or they may be initiated in the high-level user interface software or the low-level security software automatically. When the microprocessor receives data from the computer to transmit, it determines the most appropriate method of transmission and initiates a call.” (See Isokoff, Col. 7, lines 16-25) The user interface software, high-level user interface software, and the low-level security software of Isokoff all operate on the computer (i.e., first processor) and thus Isokoff does not disclose “the second processor is capable of initiating the wireless communication independently of the first processor” as recited in Claim 1.

Isokoff discloses initiating a wireless communication: “the beacon...transits files or data from computer storage back to the owner or authorized party...automatically.”

(See Isokoff, Abstract) However, Isokoff further describes this action: “The invention also contemplates the provision of other security codes which instruct the beacon to initiate a file-transfer call, in which case the microprocessor stores in memory the names or types of files to be transferred...The microprocessor then signals the host computer’s low level beacon interface software to initiate the transfers.” (See Isokoff, Col. 6, lines 5-11) Because the microprocessor signals the host computer, this wireless communication is not a wireless communication initiated by the second processor independent of the first processor.

Isokoff discloses initiating another wireless communication: “The beacon...may broadcast a signal for tracking and recovery of the computer after a theft.” (See Isokoff, Abstract). However, Isokoff further describes this action: signals transmitted by the cellular transceiver are externally tracked to determine the location of the computer for recovery of the computer hardware.” (See Isokoff, Col. 9, lines 33-37) Isokoff does not describe the source of the signals transmitted by the cellular transceiver. However, during a theft situation, the source of the signals is unlikely to be the input port and thus Isokoff does not disclose “the input port to supply data to the second processor for the wireless communication” as recited in Claim 1.

Accordingly, for at least the foregoing reasons, Isokoff fails to teach the limitations of Claim 1. The rejection of Claim 1 is thus unsupported, and must be withdrawn. Claims 2-10 depend from allowable Claim 1 and are allowable for at least this reason.

CLAIM 11

Regarding amended Claim 11, Isokoff at least fails to teach “wherein the wireless subsystem to initiate a wireless communication with the data from the user independent of the application subsystem” that is coupled to both an application subsystem and a wireless subsystem as recited in Claim 11.

As illustrated above, Isokoff does not teach or suggest initiating a wireless communication with the data from the user independent of the application subsystem.

Accordingly, for at least the foregoing reasons, Isokoff fails to teach the limitations of Claim 11. The rejection of Claim 11 is thus unsupported, and must be withdrawn. Claims 12-17 depend from allowable Claim 11 and are allowable for at least this reason.

CLAIM 18

Regarding amended Claim 18, Isokoff at least fails to teach “providing other data to a wireless subsystem from the user through the input port to initiate a wireless communication independent of the application subsystem” as recited in Claim 18.

As illustrated above, Isokoff does not teach or suggest providing other data to a wireless subsystem from the user through the input port to initiate a wireless communication independent of the application subsystem.

Accordingly, for at least the foregoing reasons, Isokoff fails to teach the limitations of Claim 18. The rejection of Claim 18 is thus unsupported, and must be withdrawn. Claims 19-21 depend from allowable Claim 18 and are allowable for at least this reason.

35 U.S.C. 103 Rejections

Claims 4-5 and 13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Isikoff. Claims 4-5 depend from allowable Claim 1 and are allowable for at least this reason. Claim 13 depends from allowable Claim 18 and is allowable for at least this reason.

Conclusion

For the foregoing reasons, it is submitted that the application is in condition for allowance, and indication of allowance by the Examiner is respectfully requested. If the Examiner has any questions concerning this application, he or she is requested to telephone the undersigned at the telephone number shown below as soon as possible. If any fee insufficiency or overpayment is found, please charge any insufficiency or credit any overpayment to Deposit Account No. 02-2666.

Respectfully submitted,

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